

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                                 |   |                  |
|---------------------------------|---|------------------|
| _____                           | ) |                  |
| COLLEEN HARDACRE,               | ) |                  |
| Plaintiff,                      | ) |                  |
|                                 | ) |                  |
| V.                              | ) | Civil Action     |
|                                 | ) | No. 05-10542-MLW |
| FEDERAL BUREAU OF INVESTIGATION | ) |                  |
| and UNITED STATES DEPARTMENT OF | ) |                  |
| JUSTICE,                        | ) |                  |
| Defendants.                     | ) |                  |
| _____                           | ) |                  |

**MOTION TO DISMISS**

As more fully demonstrated in the accompanying Memorandum in Support, the defendants respectfully request that the Court dismiss the above-captioned matter pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. The Court lacks subject matter jurisdiction in the matter as the complaint is frivolous and many of the claims are beyond the applicable statute of limitations.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its attorney,

MICHAEL J. SULLIVAN  
United States Attorney

Dated: June 1, 2005

/S/ Christopher R. Donato  
Christopher R. Donato  
Assistant U.S. Attorney  
U.S. Attorney's Office  
John Joseph Moakley Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3303

**CERTIFICATE OF SERVICE**

I certify that on this day a true copy of the defendants' Motion to Dismiss was served by first class mail, postage prepaid, upon the *pro se* plaintiff at the following address:

Colleen Marie Hardacre  
113 River Pointe Way, #6209  
Lawrence, MA 01843

Dated: June 1, 2005

/S/ Christopher R. Donato  
Christopher R. Donato  
Assistant U.S. Attorney

**Rule 7.1(A)(2) Certification**

I certify that on May 27, 2005, I spoke to the *pro se* plaintiff, Colleen Marie Hardacre, and attempted in good faith to resolve or narrow the issues in the attached motion.

Dated: June 1, 2005

/S/ Christopher R. Donato  
Christopher R. Donato  
Assistant U.S. Attorney